



## Senate

General Assembly

February Session, 2014

**File No. 331**

Senate Bill No. 485

*Senate, April 3, 2014*

The Committee on Commerce reported through SEN. LEBEAU of the 3rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING EXPEDITED PERMITTING FOR PRIORITY DEVELOPMENT SITES IDENTIFIED BY MUNICIPALITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2014*) (a) Any municipality,  
2       with the approval of the Commissioner of Economic and Community  
3       Development, may designate municipally owned parcels of land  
4       within such municipality that are zoned for commercial or industrial  
5       use as priority development sites for the purpose of encouraging  
6       development of such parcels. Projects to develop such parcels shall be  
7       eligible for the expedited review of permit applications under section  
8       32-726 of the general statutes, as amended by this act.

9       (b) Each municipality seeking the approval of the commissioner for  
10      the designation of a parcel of land within such municipality as a  
11      priority development site shall file with the commissioner an  
12      application that shall include (1) the geographical location of such  
13      parcel, (2) such parcel's proximity to roads, sewers and electrical  
14      service, (3) evidence of environmental condition, (4) the possible effect

15 of development of such parcel on property taxes and on such  
16 municipality's grand list, (5) other possible effects of development of  
17 such parcel on both municipal and regional finances, and (6) any other  
18 information required on a form prescribed by the commissioner.

19 (c) In approving a priority development site designation, the  
20 commissioner shall evaluate any application submitted pursuant to  
21 subsection (b) of this section to determine (1) the suitability of such  
22 parcel for development, including environmental condition, and (2)  
23 the effect of development of such parcel on the economic development  
24 of such municipality, the region and the state, taking into  
25 consideration the nature of business and industry that may be  
26 developed, specific development plans for such parcel and any  
27 commitments to develop such parcel.

28 (d) The Commissioner of Economic and Community Development  
29 shall adopt regulations, in accordance with chapter 54 of the general  
30 statutes, to implement the provisions of this section. Such regulations  
31 (1) shall establish additional criteria for approval of priority  
32 development sites and a review and approval process, and (2) may  
33 establish a maximum number of sites that may be designated state-  
34 wide and in any municipality.

35 Sec. 2. Section 32-726 of the 2014 supplement to the general statutes  
36 is repealed and the following is substituted in lieu thereof (*Effective*  
37 *October 1, 2014*):

38 (b) (1) The commissioner shall establish an office of the permit  
39 ombudsman for the purpose of expediting review of permit  
40 applications for projects that would (A) create at least one hundred  
41 jobs, (B) create fifty jobs, if such project is to be located in an enterprise  
42 zone designated pursuant to section 32-70, (C) be located in a  
43 brownfield, as defined in section 32-760, (D) be compatible with the  
44 state's responsible growth initiatives, (E) be considered transit-oriented  
45 development, as defined in section 13b-79kk, (F) develop green  
46 technology business, (G) develop a priority development site approved  
47 by the commissioner pursuant to section 1 of this act, or [(G)] (H) meet

48 the criteria set forth in subdivision (2) of this subsection. Projects  
 49 ineligible for review under this section are projects for which the  
 50 primary purpose is to (i) effect the final disposal of solid waste,  
 51 biomedical waste or hazardous waste in this state, (ii) produce  
 52 electrical power, unless the production of electricity is incidental and  
 53 not the primary function of the project, (iii) extract natural resources,  
 54 (iv) produce oil, or (v) construct, maintain or operate an oil, petroleum,  
 55 natural gas or sewage pipeline. For purposes of this section,  
 56 "responsible growth initiatives" includes the principles of smart  
 57 growth, as defined in section 1 of public act 09-230, and "green  
 58 technology business" means an eligible business with not less than  
 59 twenty-five per cent of its employment positions being positions in  
 60 which green technology is employed or developed and may include  
 61 the occupation codes identified as green jobs by the Department of  
 62 Economic and Community Development and the Labor Department  
 63 for such purposes.

64 (2) Notwithstanding the provisions of subdivision (1) of this  
 65 subsection, the commissioner may, upon consideration of the  
 66 economic impact factors of the project that include, but are not limited  
 67 to: (A) The proposed wage and skill levels relative to those existing in  
 68 the area in which the project may be located, (B) the project's potential  
 69 to diversify and strengthen the state and local economy, (C) the  
 70 amount of capital investment, and (D) in the judgment of the  
 71 commissioner, after consultation with the Departments of Energy and  
 72 Environmental Protection, Transportation and Public Health that there  
 73 is consistency with the strategic economic development priorities of  
 74 the state and the municipality, deem projects eligible for expedited  
 75 permitting pursuant to this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2014</i>	New section
Sec. 2	<i>October 1, 2014</i>	32-726

**CE**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

---

---

***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill allows municipalities to designate certain municipally-owned parcels of land within their towns as priority development sites. As municipally-owned land is tax exempt, there is no fiscal impact associated with encouraging development on municipally owned sites.

The bill allows the priority development sites to be approved by the Department of Economic and Community Development (DECD) for expedited review of state permit applications. There is no fiscal impact to DECD as the agency currently provides expedited permit reviews for certain economic development projects.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****SB 485*****AN ACT CONCERNING EXPEDITED PERMITTING FOR PRIORITY DEVELOPMENT SITES IDENTIFIED BY MUNICIPALITIES.*****SUMMARY:**

This bill establishes a process for municipalities to obtain the expedited review of state permit applications needed to develop municipally designated “priority development sites” (PDS). A municipality may propose for such a review sites that it owns and zones for commercial and industrial use and submit them to the Department of Economic and Community Development (DECD) commissioner for approval based on the bill’s criteria.

If the commissioner approves a site, DECD must provide for the expedited review of any state permits a proposed project needs to develop that site. Under current law, DECD’s Office of Permit Ombudsman coordinates expedited permit reviews of economic development projects with the Transportation, Public Health, and Energy and Environmental Protection departments. A project qualifies for this review when it meets specified criteria, not based on its site’s characteristics.

Under the bill, the commissioner must adopt implementing regulations that, at a minimum, establish (1) additional criteria for approving proposed PDS and (2) the review and approval process. In adopting these regulations, she may limit the number of approved PDSs statewide and in a municipality.

EFFECTIVE DATE: October 1, 2014

**DESIGNATION PROCESS*****Proposing PDSs***

The bill allows municipalities to propose municipally owned sites zoned for commercial or industrial use for designation as PDSs by submitting an application to the commissioner that, at a minimum, describes a proposed site's:

1. geographic location;
2. distance to roads, sewers, and electrical service; and
3. environmental condition.

The application must also describe how the site's development could affect the municipality's property tax base and finances, as well as the region's finances. The application must also include any other information the commissioner requires.

### ***Approving Proposed PDSs***

The bill specifies how the commissioner must evaluate a proposed PDS when deciding whether to approve it. She must evaluate the site's environmental condition; determine if the site is suitable for development; and analyze how its development could affect the municipality, the region, and the state. In doing so, she must consider the types of businesses and industry that could operate at the site, specific plans to develop the site, and any commitments to do so.

### **EXPEDITED PERMITTING OF PDS PROJECTS**

If the commissioner approves a PDS designation, DECD's Office of Permit Ombudsman must expedite certain state permits a project needs to develop the site. Under current law, the office must do this for projects meeting specific criteria (see BACKGROUND).

By law, the office must arrange for expedited reviews under a memorandum of understanding (MOU) with the Transportation, Public Health, and Energy and Environment Protection departments. Among other things, the MOU must allow the departments to consolidate proceedings and hearings that are otherwise held separately.

**BACKGROUND*****Project Eligibility Criteria for Expedited Permit Reviews***

Under current law, DECD's Permit Ombudsman Office provides for the expedited review of projects meeting one of two sets of economic development criteria. It must do so for projects:

1. creating at least 50 permanent, full-time equivalent non-construction jobs in any of the state's 17 enterprise zones or at least 100 such jobs elsewhere in Connecticut;
2. cleaning up and developing abandoned or underused property;
3. that are compatible with the state's responsible growth initiative;
4. developing a mix of different but compatible uses near transportation facilities and infrastructure ("transit-oriented development"); or
5. developing green technology businesses.

The office must review other types of projects the commissioner approves based on the following economic impact factors:

1. a project's proposed wage and skill levels compared to those in the surrounding area,
2. the extent to which the project will diversify and strengthen the local and state economy,
3. the project's total capital investment, and
4. the extent to which the project complements the municipality's and the state's strategic economic development priorities, as determined by the commissioner in consultation with the transportation, public health, and energy and environmental protection commissioners.

**COMMITTEE ACTION**

Commerce Committee



Joint Favorable

Yea     17     Nay   0     (03/20/2014)